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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/370,792	08/05/1999	DIYA SOUBRA	50944.6100	8509
25700	7590	02/05/2004		
FARJAMI & FARJAMI LLP 16148 SAND CANYON IRVINE, CA 92618			EXAMINER TSEGAYE, SABA	
			ART UNIT 2662	PAPER NUMBER 10

DATE MAILED: 02/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/370,792

Applicant(s)

SOUBRA ET AL.

Examiner

Saba Tsegaye

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. Claims 9-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Foltan et al. (6,667,972).

Regarding claims 9, 17 and 25, Foltan discloses, in Figs. 1, 4 and 5, a device driver (module controller 206,322) for use with a communication device (200) the communication device including a modem module (340-2) and a voice module (340-1), an application program running on an operating system (column 7, lines 53-56), the operating system including a modem application program interface capable of communicating with the application program using a plurality of modem calls (column 10, lines 54-65), the device driver comprising:

an initiation module configured to receive a voice connection request (column 6, line 60-column 7, line 16);

an establishment module configured to process the voice connection request, and configured to establish a modem interface for use with the modem API for communicating data related to the plurality of modem calls and establish a voice interface for use with the voice module (column 10, line 54-column 11, line 10; column 12, line 40-column 13, line 12); and

an interaction module configured to convert the data received through the modem interface to generate converted data for use by the voice module, and configured to transport the converted data through the voice interface to the voice module (column 6, lines 46-59; column 9, lines 6-24).

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Regarding claims 10, 18 and 26, Foltan discloses the device driver, wherein the operating system further includes a network API and a network interface (210), wherein the network interface is in communication with the network API and a network (101, 102), and wherein the application program establishes a voice connection between the voice module and the network through the device driver, the modem API, the network API and the network interface (column 6, lines 15-45).

Regarding claims 11, 19 and 27, Foltan discloses the device driver, wherein the voice connection request is received from a remote user over a communication interface coupled to the communication device (column 6, lines 60-column 7, line 16).

Regarding claims 12, 20 and 28, Foltan discloses the device driver, wherein the voice connection request is received from the modem API (column 22, lines 34-49).

Regarding claims 13, 21 and 29, Foltan discloses the device driver, wherein the interaction module is further configured to convert data received from the communication device through the voice interface prior to transmission to the modem API through the modem interface (column 6, lines 46-59; column 9, lines 6-24).

Regarding claims 14, 22 and 30, Foltan discloses the device driver wherein the plurality of modem calls includes calls, instruction calls and data calls (column 10, lines 54- column 11, line 32).

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Regarding claims 15, 23 and 31, Foltan discloses the device driver wherein the converted data includes a plurality of voice calls (column 6, lines 46-59).

Regarding claims 16, 24 and 32, Foltan discloses the device driver wherein the plurality of voice calls includes control calls, instruction calls and data calls (column 10, lines 54- column 11, line 32).

Response to Arguments

2. Applicant's arguments with respect to claims 9-32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (703) 308-4754. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

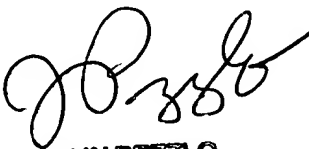
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (703) 305-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ST

January 31, 2004


JOHN PEZZLO
PRIMARY EXAMINER